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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/222,494	12/29/1998	DOUGLASS J. WILSON	L09-98-033	3069

21127 7590 10/08/2003

KUDIRKA & JOBSE, LLP  
ONE STATE STREET  
SUITE 1510  
BOSTON, MA 02109

EXAMINER
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HO, THE T

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 10/08/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

PR4

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/222,494	WILSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	The Thanh Ho	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-9,11-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>16</u> . | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is in response to the amendment filed 7/25/2003.
2. Claims 1, 3-9, 11-14 and 16-21 have been examined and are pending in the application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6-16 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng U.S Patent No. 6,151,643 in view of Rangarajan U.S Patent No. 6,260,077.

As to claim 1, Cheng discloses connecting the application (client application 104, Fig. 1) to the information bus (106, Fig. 1) as an event consumer (client computer 101, Fig. 1); identifying data (relevant update for the software product, line 56 column 7) within the application (client application 104, line 55 column 7) that is needed; notifying (click on the continue button 411 to begin the installation process, lines 30-31 column 8) the information bus (106, Fig. 1) of the data needed (software update, line 32 column 8) from other participating applications (software vendor computer 103, line 40 column 8); receiving (indicates, line 9 column 8) notice of the data needed is available (a update to provide new features, lines 9-10 column 8) by data name (Quicken 5.0, line 9 column 8)

from another participating application (software vendor computer 103, line 40 column 8); requesting (208, Fig. 2) the data by name (Quicken 5.0, line 9 column 8) via the information bus (106, Fig. 1). However, Cheng as disclosed does not explicitly teach event listener and announcing the data change. Instead, Cheng teaches the service provider computer (102, line 62 column 20) keeps information (download done, table2 column 21) in which when (date-time, table 2 column 21) the client computer finished the updating (success, table 2 column 21). Therefore one of ordinary skill in the art would conclude that the client computer would announce to the server computer that the updating had been done; therefore, the server computer knows exactly the date and time of the finished job.

Rangarajan teaches an event listener (line 24 column 9) for monitoring announcements and notifications (lines 34-38 column 9). It would have been obvious to apply the teachings of Rangarajan to the system of Cheng because this allows a registered client to receive event notifications from a source as disclosed by Rangarajan (lines 8-48 column 9). Cheng system as modified by Rangarajan would result in an event listener monitoring announcements and notifications from application of the information bus.

As to claim 3, Cheng as modified further teaches changing the requested data (install update 212, Fig. 2) after receipt (download update 209, Fig. 2).

As to claim 6, Cheng as modified further teaches providing a view (403, 405, Fig. 4) associated with the data needed (401 Fig. 4).

As to claim 7, Rangarajan further teaches the data is a Java Object (Java, line 4 of Abstract).

As to claim 8, Cheng as modified further teaches providing (stores, line 32 column 6) descriptive and identifying information (applications, binary files, text files, and the like, lines 34-35 column 6) about the data (software updating information, line 34 column 6).

As to claim 9, note the discussion of claim 1 above.

As to claims 11-13, note the discussions of claims 3 and 6-7 above, respectively.

As to claim 14, note the discussion of claim 1 above.

As to claim 16, note the discussion of claim 3 above.

As to claims 19-21, note the discussions of claims 6-8 above, respectively.

4. Claims 4-5 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng in view of Rangarajan, and further in view of Barnett U.S Patent No. 6,356,948.

As to claim 4, Cheng as modified does not teach specify the data name. Barnett discloses client application receives data from server computer (Fig. 2); specifying the data name (packet identifier, line 47 column 5) by way of a property (type of data contained in the data packet, lines 63-64 column 5). It would have been obvious to apply the teachings of Barnett to the system of Cheng as modified because the client computer needs to know what data it is getting and if the data is suitable for the client application, therefore the client computer can make the decision of downloading the data or not, as disclosed by Barnett (lines 34-54 column 5).

As to claim 5, Barnett further teaches specifying the data name (packet identifier, line 47 column 5) by way of a parameter (packet header 112, Fig. 7).

As to claims 17 and 18, note the discussions of claims 4 and 5 above, respectively.

### ***Response to Arguments***

5. Applicant's arguments filed have been fully considered but they are not persuasive.

Applicant argued that Cheng does not teach, "announcing...originally obtained" (Remarks, second paragraph page 6). In response, Cheng teaches, as disclosed in claim 1 above, the client finished updating the data and let the server knows the exact information of the finishing job (line 60 column 20 to line 36 column 21). The reference meets the limitation as claimed.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is 703-306-5540. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 746 – 7238
- OFFICAL faxes must be signed and sent to (703) 746 – 7239
- NON OFFICAL faxes should not be signed, please send to (703) 746 – 7240

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TTH

October 3, 2003

A handwritten signature in black ink, appearing to be 'JF', located below the date.

**JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**